

# Calendar No. 117

77TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 110

AMENDING SECTION 4 (F) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED, TO PROVIDE FOR OVERTIME OF INSPECTORS IN CHARGE AND RADIO INSPECTORS OF THE FIELD DIVISION OF THE ENGINEERING DEPARTMENT OF THE FEDERAL COMMUNICATIONS COMMISSION

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MARCH 13, 1941.—Ordered to be printed

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Mr. WHEELER, from the Committee on Interstate Commerce,  
submitted the following

## REPORT

[To accompany H. R. 533]

The Committee on the Interstate Commerce, to whom was referred the bill (H. R. 533) to amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, having considered the same, recommend that the bill do pass without amendment.

The bill (H. R. 533) is identical with legislation which had previously passed the Senate and previously passed the House. This legislation was requested by the Federal Communications Commission who have since endorsed it and urged its immediate passage. The bill is simple. Its purposes and objectives are clear.

It provides for compensation for overtime services of inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. Overtime services will not be paid by Government funds but rather by shipowners who request such overtime services.

The radio installation of every ship subject to part III, title III, of the Federal Communications Commission Act must be inspected at least once a year. Owners of these ships often request and often require services of radio inspectors that exceed their regular hours of employment.

From July 1, 1939, to December 31, 1939, radio inspectors at the request of shipowners worked 633 hours overtime. This bill seeks to make legal the payment of the inspectors for these services rendered.

It is estimated that overtime pay will cost shipowners between \$3,500 and \$4,000 a year. It is generally conceded that payment by the shipowners of overtime services would avoid delays that may prove costly.

A copy of the bill as reported, a copy of the letter addressed to the President of the Senate by the Chairman of the Federal Communications Commission, and a copy of the letter addressed to the chairman of the Interstate Commerce Committee by Chairman Fly, are hereby appended and made a part of this report.

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[H. R. 533, 77th Cong., 1st sess.]

AN ACT To amend section 4 (f) of the Communications Act of 1934, as amended, to provide for extra compensation for overtime of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4 (f) of the Communications Act of 1934, as amended (49 Stat. 1098), is hereby further amended by inserting after the letter "(f)" the figure "(1)" and by adding after section 4 (f) as so amended the following additional paragraph:

"(2) The Commission shall fix a reasonable rate of extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of title III the basis of this Act, on of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided*, That the amounts of such collections received by the said collector of customs or his representatives shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission. *Provided further*, That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further*, That in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed."

Passed the House of Representatives February 17, 1941.

Attest:

SOUTH TRIMBLE,

Clerk.

By H. NEWLIN MEGILL.

JULY 1, 1940.

The Honorable JOHN N. GARNER,  
*President of the Senate, Washington, D. C.*

MY DEAR MR. PRESIDENT: The Federal Communications Commission transmits herewith a proposed bill to authorize the payment by private owners of vessels, at whose request inspections of radio equipment are made, of extra compensation for overtime service of inspectors of the Federal Communications Commission, with the request that this matter receive the consideration of the Congress.

By letter of June 22, 1940, the Commission has been informed by the Director of the Bureau of the Budget that there would be no objection to the submission of this proposed legislation.

Sincerely yours,

JAMES LAWRENCE FLY, *Chairman.*

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FEDERAL COMMUNICATIONS COMMISSION,  
*Washington, D. C., March 3, 1941.*

HON. BURTON K. WHEELER,  
*Chairman, Committee on Interstate Commerce,  
United States Senate, Washington, D. C.*

MY DEAR CHAIRMAN WHEELER: This will reply to your letter of February 19, 1941, requesting comments on H. R. 533, to provide for extra compensation for overtime of inspectors of the Federal Communications Commission, which measure passed the House of Representatives February 17, 1941, and is now pending before your committee.

This measure was originally proposed by the Commission by letter of July 1, 1940, copy of which is enclosed, together with an accompanying statement of reasons for the enactment of the bill.

The Commission earnestly urges the enactment of this measure during the present session of Congress.

We are advised by the Bureau of the Budget that it has no objection to the submission of these comments.

Sincerely yours,

JAMES LAWRENCE FLY, *Chairman.*

#### STATEMENT OF REASONS

The purpose of the proposed legislation is to provide for extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission. The extra compensation is to be paid by the owner of the vessel at whose request the inspection of radio equipment and apparatus is made for services at hours other than regular hours of work.

During the period July 1, 1939, to December 31, 1939, radio inspectors of the Field Division at request of owners of vessels were required to work 633 hours overtime for the purpose of inspection of radio equipment and apparatus in order that the owner of a vessel might obtain a certification as required under section 360 (b) of the act. Based upon the amount of work of overtime services rendered by radio inspectors as shown above, it is estimated that the cost to ship owners would be approximately \$3,500 for a fiscal year.

The proposed bill will not increase the Budget of the Federal Communications Commission.

This bill is identical in substance with S. 2986, Seventy-fifth Congress, third session, providing for extra compensation for overtime services for local inspectors of steam vessels and their assistants, and customs officers and employees, which was approved May 11, 1938, as Public, No. 503, Seventy-fifth Congress, chapter 194, third session.

